

SIXTY-FIRST DAY.

Senate Chamber,
Austin, Texas, March 23, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	McKinney.
Atlee.	Presler.
Beall.	Rogers.
Bowser.	Shelburne.
Colquitt.	Simpson.
Dibrell.	Smith.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.
McComb.	

Absent, excused.

Boren.	Harrison.
Dickson.	

Absent—not excused:

Bailey.	Lewis.
Darwin.	Sherrill.
Dean.	Stafford.

Prayer by the Chaplain, Dr. Smoot.
There being no printed Journal on hand,

On motion of Senator Goss, the reading was dispensed with.

On motion of Senator Goss, Senator Sherrill was excused indefinitely on account of sickness in his family.

On motion of Senator Lawhon, Senator Gage was excused for today and next week on account of important business.

On motion of Senator Colquitt, Senator Stafford was excused for today on account of important business.

On motion of Senator Bowser, Senator Bailey was excused for today and Monday on account of important business.

BILLS AND RESOLUTIONS.

By Senator Greer:

Concurrent resolution, providing for the purchase by the Commissioner of Insurance, Statistics and History of the copy of the Holy Bible owned by Mrs. De Caussey, which was the property of W. B. Travis.

Read and referred to the Committee on Insurance, Statistics and History.

By Senator Dean:

A bill to be entitled "An act to amend article 186a of the Penal Code of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 23, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Insurance, Sta-

tistics and History, to whom was referred

Senate concurrent resolution No. 19, being "A resolution instructing the Commissioner of Insurance, Statistics and History to purchase from Mrs. M. J. De Caussey the Bible found on the person of her grandfather, the late W. B. Travis, at the battle of the Alamo, and to provide for the payment therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M'COMB, Acting Chairman.

Committee Room,
Austin, Texas, March 23, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 250, being "An act to amend an act entitled 'An act to amend article 375, title 17, of the Revised Civil Statutes of the State of Texas,' as amended by an act approved on the 30th day of March, 1889,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, March 23, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to wit:

House bill No. 316, "An act to fix the rate of taxation upon express companies to prescribe the time and means of collecting such tax, and provide penalties for the violation of this act and repealing all laws in conflict herewith."

Respectfully,

CHESTER HAILE, Chief Clerk.

Call concluded.

BILLS ON THIRD READING.

The Chair laid before the Senate,

Senate bill No. 77, being a bill to be entitled "An act to amend sections 4, 5 and 6 of an act entitled 'An act to regulate the practice of pharmacy in the State of Texas, and providing a penalty for the enforcement of same,' approved April 6, 1889."

Senator Beall entered a motion to reconsider the vote defeating

Senate bill No. 105, a bill entitled "An act to prevent officers, agents or employees of railroads or transportation companies from giving free passes or tickets or selling the same at a discount to members of the Legislature of the State of Texas, or to railroad commissioners, State, judicial, county or municipal officers, and to prevent such officers from accepting or using such passes or tickets, to provide penalties and fix venue therefor."

Senator Goss called up

Senate bill No. 130, a bill entitled "An act to validate the records and surveys heretofore made and the official acts done by county surveyors in counties that had organized, but whose boundaries had not been established as required by chapter 4, title 22, of the Revised Civil Statutes of the State of Texas, and to repeal article 691e of said chapter and title,"

And had same made special order for Tuesday next after call and from day to day.

On motion of Senator Agnew, regular order was suspended to take up

Senate bill No. 143, being "An act to amend section 66, chapter 122, of an act to provide for a more efficient system of public free schools, etc., passed at the regular session of the Twenty-third Legislature, approved May 20, 1893, and canceling certain certificates."

Bill read third time.

On final passage no quorum voted, the following Senators answering to their names:

Yeas—12.

Agnew.	Dean.
Atlee.	Goss.
Beall.	Lawhon.
Bowser.	Rogers.
Colquitt.	Smith.
Darwin.	Whitaker.

Nays—7.

Greer.	Steele.
McComb.	Tips.
McKinney.	Woods.
Presler.	

Present, not voting.
Simpson.

Dibrell.
Shelburne.

Absent, excused.

Bailey.	Harrison.
Boren.	Sherrill.
Dickson.	Stafford.
Gage.	

Absent, not excused.

Lewis.

Pending business going to the table,
On motion of Senator Smith, regular order of business was suspended to take up

House concurrent resolution No. 24:

Whereas, Hon. D. E. Barrett, judge of the Sixteenth judicial district of the State of Texas, has found it necessary to go out of the State to recover his health; therefore

Be it resolved by the Legislature of the State of Texas, That the said Hon. D. E. Barnett be and he is hereby granted a leave of absence from the State of Texas for a period of thirty days during the year 1895.

Resolution was read and adopted.

On motion of Senator Steele, regular order of business was suspended to take up

Senate bill No. 250, a bill to be entitled "An act to amend an act entitled 'An act to amend article 375, title 17, of the Revised Civil Statutes of the State of

Texas,' as amended by an act approved on the 30th day of March, 1889."

Bill read second time.

By Senator Simpson:

Amend article 375, line 19, by striking out the word "exclusive" and by adding to said section the following: "Provided, that with the consent of the city council, where streets are continuations of public roads, the commissioners courts shall have the power to construct bridges and other improvements thereon which facilitate the practicability of travel on said streets."

By Senator Agnew:

Substitute: "Provided, that with the consent of the city council, where streets are continuations of public roads, the commissioners court shall have the power to construct bridges and other improvements thereon, which facilitate the practicability of travel on said streets."

Senator Simpson accepted the substitute.

The amendment as substituted was adopted.

By Senator Darwin:

Amend by striking out all after the word "jury," in line 26 down to and including the word "ordinances," in line 32 of section 375.

Lost.

Bill ordered engrossed.

On motion of Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—19.

Agnew.	McComb.
Atlee.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Dean.	Simpson.
Dibrell.	Steele.
Goss.	Whitaker.
Greer.	Woods.
Lawhon.	

Nays—3.

Darwin.	Tips.
Smith.	

Absent, excused.

Bailey.	Harrison.
Boren.	Sherrill.
Dickson.	Stafford.
Gage.	

Absent, not excused.

Lewis.

Bill read third time and passed by the following vote:

Yeas—21.

Agnew.	Greer.
Atlee.	Lawhon.
Beall.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Dean.	Rogers.
Dibrell.	Shelburne.
Goss.	Simpson.

Smith.
Steele.
Tips.

Whitaker.
Woods.

Nays—1.

Darwin,

Absent—excused.

Bailey.
Boren.
Dickson.
Gage.

Harrison.
Sherrill.
Stafford.

Absent, not excused.

Lewis

IN SENATE.

House bill No. 316, "An act to fix the rate of taxation on express companies, to prescribe the time and manner of collecting such tax, and provide penalties for violation of this act, and repealing all laws in conflict herewith."

Read first time and referred to Committee on Finance.

On motion of Senator Presler regular order of business was suspended to take up

Senate bill No. 198, a bill entitled "An act to amend article 4036 of the Revised Civil Statutes of the State of Texas, and to authorize county commissioners courts to loan the proceeds of the sale of lands granted to counties for educational purposes on improved real estate security, and to provide rules and regulations for making such loans, and by adding thereto sections 4036a, 4036b and 4036c."

Bill read third time and passed by the following vote:

Yeas—23.

Agnew.	McComb.
Atlee.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.

Nays—none.

Absent, excused.

Bailey.	Harrison.
Boren.	Sherrill.
Dickson.	Stafford.
Gage.	

Absent, not excused.

Lewis.

On motion of Senator Lawhon regular order of business was suspended to take up

House bill No. 359, being a bill to be entitled "An act to provide for a board of examiners of finance in cities and incorporated towns within the State, to prescribe the manner of their appointment, and to define their duties."

Bill read second time.

By Senator Tips:

Amend by inserting in line 30, after the word "State," the following: "Incorporated under the general laws of the State."

Adopted.

Bill passed to third reading.

(Senator Steele in the chair.)

Senator Goss moved to suspend regular order of business and to take up Senate bill No. 255, entitled "An act to create the Lubbock land district."

Taken up by the following vote:

Yeas—22.

Agnew.	McComb.
Atlee.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.

Nays—none.

Absent—excused.

Bailey.	Harrison.
Boren.	Sherrill.
Dickson.	Stafford.
Gage.	

Absent—not excused.

Lewis.

Bill read second time and ordered engrossed.

On motion of Senator Agnew the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading by the following vote:

Yeas—21.

Agnew.	McKinney.
Atlee.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.
McComb.	

Absent, excused.

Bailey.	Harrison.
Boren.	Sherrill.
Dickson.	Stafford.
Gage.	

Absent, not excused.

Beall.

Lewis.

Nays—none.

Bill read third time and passed by the following vote:

Yeas—20.

Agnew.	Lawhon.
Atlee.	McComb.
Beall.	McKinney.
Bowser.	Presler.
Colquitt.	Simpson.
Darwin.	Smith.
Dean.	Steele.
Dibrell.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Nays—1.

Rogers.

Absent, excused.
 Bailey. Harrison.
 Boren. Sherrill.
 Dickson. Stafford.
 Gage.
 Lewis. Absent, not excused.
 Shelburne.

On motion of Senator Bowser regular order of business was suspended to take up

House bill No. 362, "An act to authorize the city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

Bill read second time with committee amendments.

(Lieutenant Governor Jester in the chair.)

Committee amendments were lost by the following vote:

Yeas—6.
 Agnew. Lawhon. Simpson.
 Colquitt. Shelburne. Tips.

Nays—16.
 Atlee. Goss. Rogers.
 Beall. Greer. Smith.
 Bowser. McComb. Steele.
 Darwin. McKinney. Whitaker.
 Dean. Presler. Woods.
 Dibrell.

Absent, excused.
 Bailey. Gage. Sherrill.
 Boren. Harrison. Stafford.
 Dickson.

Absent, not excused.
 Lewis.

By Senator Colquitt:

Amend the caption, line 5, by striking out "five thousand" and insert "ten thousand" in lieu thereof, and conform the bill thereto.

Lost.

By Senator Agnew:

Amend by striking out "5000" in caption and body of the bill and insert "1000" in lieu thereof.

Lost.

On the passage of the bill to third reading there was no quorum, the following voting:

Yeas—13.
 Atlee. Lawhon. Smith.
 Bowser. McComb. Steele.
 Darwin. McKinney. Whitaker.
 Dibrell. Presler. Woods.
 Goss.

Nays—7.
 Agnew. Greer. Shelburne.
 Beall. Rogers. Tips.
 Colquitt.

Present, not voting.
 Simpson.

Absent, excused.
 Bailey. Gage. Sherrill.

Boren. Harrison. Stafford.
 Dickson.
 Absent, not excused.
 Dean. Lewis.

Senator Bowser moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

Agnew. Goss. Shelburne.
 Atlee. Greer. Simpson.
 Bowser. Lawhon. Smith.
 Colquitt. McComb. Steele.
 Darwin. McKinney. Tips.
 Dean. Presler. Whitaker.
 Dibrell. Rogers. Woods.

Absent, excused.
 Bailey. Gage. Stafford.
 Boren. Harrison. Sherrill.
 Dickson.

Absent, not excused.
 Beall. Lewis.

A quorum being present, the vote was again taken on the passage of House bill No. 362, no quorum voting, the following answering to their names:

Yeas—13.
 Atlee. McKinney.
 Bowser. Presler.
 Darwin. Smith.
 Dibrell. Steele.
 Goss. Whitaker.
 Lawhon. Woods.
 McComb.

Nays—7.
 Agnew. Greer.
 Beall. Rogers.
 Colquitt. Tips.
 Dean.

Present, not voting.
 Shelburne. Simpson.

Absent, excused.
 Bailey. Harrison.
 Boren. Sherrill.
 Dickson. Stafford.
 Gage.

Absent, not excused.
 Lewis.

Senator Bowser moved to excuse the absentees.

Lost.

Pending business going to the table, Senator Bowser moved to suspend the call of the Senate.

Lost.

On motion of Senator Colquitt, regular order of business was suspended to take up

House bill No. 311, a bill to be entitled "An act to transfer Morris and other counties from the district school system and to authorize and empower said counties to organize and conduct all of their public free schools under the community system as provided by the laws now in force."

Bill read second time with committee amendments.

Committee amendments adopted.

By Senator Steele:

Amend by striking out "Brazos," in line 7, page 2.

Adopted.

By Senator Colquitt:

Amend section 1, lines 6 and 7, by striking out the word "Henderson."

Adopted.

By Senator Atlee:

Amend by adding after word "Grimes" in line 7, page 2, the following: "Starr, Webb."

Adopted.

Senator McComb moved to postpone further consideration of the bill till Wednesday next, and that it be made special order for that day after call.

So ordered.

On motion of Senator Beall regular order of business was suspended to take up Senate bill No. 137, a bill entitled "An act to amend sections 6 and 8, and to repeal section 9, of an act approved March 30, 1881, entitled an act to establish the University of Texas."

Bill read second time.

By Senator Simpson:

Amend section 5, lines 22 and 23, by striking out the words "the other member shall be ex officio the Superintendent of Public Instruction."

Adopted.

By Senator Beall:

Amend line 19, section 5, by striking out "19" and insert in lieu thereof "8," and by striking out in line 19 the words "eight of whom shall be."

Adopted.

By Senator Beall:

Amend line 27 by striking out the word "president" and insert the word "chairman" in lieu thereof.

Adopted.

Bill ordered engrossed.

Senator Greer moved to suspend regular business and take up

Senate concurrent resolution No. 19, being "A resolution instructing the Commissioner of Insurance, Statistics and History to purchase from Mrs. M. J. De Caussey the Bible found on the person of her grandfather, the late W. B. Travis, at the battle of the Alamo, and to provide for the payment thereof."

Carried.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and the resolution put upon its second reading by the following vote:

Yeas—19.

Agnew.
Atlee.
Beall.

Bowser.
Colquitt.
Dean.

Dibrell.

Goss.

Greer.

Lawhon.

McComb.

McKinney.

Presler.

Shelburne.

Simpson.

Smith.

Steele.

Whitaker.

Woods.

Nays—3.

Darwin.

Rogers.

Tips.

Absent, excused.

Bailey.

Harrison.

Boren.

Sherrill.

Dickson.

Stafford.

Gage.

Absent, not excused.

Lewis.

Resolution read second time.

By Senator Greer:

Amend by adding the following: "The near approach of the end of the session and crowded condition of the calendar, as well as the necessity for the immediate relief of Mrs. De Caussey, an imperative public necessity exists that the rule requiring bills to be read on three several days be suspended, and that this resolution take effect from and after its passage, and it is so enacted."

Senator Darwin called for a reading in full of the resolution and amendment, which was ordered.

Senator Greer's amendment was then adopted.

By Senator Smith:

Amend the resolution by striking out "\$1000" wherever it occurs and insert in lieu thereof the sum of "\$200," and strike out the words "\$250" wherever they occur and insert in lieu thereof "\$50."

Lost by the following vote:

Yeas—6.

Agnew.

Rogers.

Darwin.

Smith.

McKinney.

Tips.

Nays—16.

Atlee.

Lawhon.

Beall.

McComb.

Bowser.

Presler.

Colquitt.

Shelburne.

Dean.

Simpson.

Dibrell.

Steele.

Goss.

Whitaker.

Greer.

Woods.

Absent, excused.

Bailey.

Harrison.

Boren.

Sherrill.

Dickson.

Stafford.

Gage.

Absent, not excused.

Lewis.

By Senator Goss:

Amend by striking out "\$1000" wherever it occurs and insert "\$400," and by striking out "\$250" where it occurs and inserting "\$100." Lost.

The resolution was then ordered engrossed.

Senator Dibrell, by unanimous consent, withdrew Senate bill No. 261. relative to authorizing the commissioners court of Guadalupe county to purchase land sites for the purpose of sinking artesian wells, etc., from further consideration of the Senate.

Senator Lawhon offered a petition from officers and citizens of Frio county, protesting against any change in the Thirty-sixth Judicial District.

Read and referred to Committee on Judicial Districts.

On motion of Senator Beall, the Senate adjourned to 10 a. m. Monday.

SIXTY-SECOND DAY.

Senate Chamber,
Austin, Texas, March, 25, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lewis.
Atlee.	McComb.
Beall.	McKinney.
Bowser.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Goss.	Steele.
Greer.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Absent—excused.

Bailey.	Gage.
Boren.	Sherrill.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of Saturday,

On motion of Senator Woods, the same was suspended.

On motion of Senator Simpson, Senator Lewis was excused for non-attendance on last Saturday on account of important business.

On motion of Senator McKinney, Postmaster Kennedy was excused for today on account of important business.

PETITIONS AND MEMORIALS.

By Senator Stafford:

Memorial from J. D. McCutchan, assessor and collector of Gregg county, concerning the collection of poll tax.

Read and referred to Judiciary Committee No. 1.

By Senator Colquitt:

Protest of Natt Stevens of Forney, Texas, against the passage of the bill proposing a graduated tax on bachelors.

Read and referred to a special committee composed of Senators Beall and Lewis.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 24, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate concurrent resolution No. 19, for the purchase of Travis' Bible,

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,
Austin, Texas, March 24, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 137, being "An act to amend sections 5 and 8 and to repeal section 9 of an act approved March 30, 1881, entitled 'An act to establish the University of Texas.'"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, March 24, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 596, "An act to increase the civil jurisdiction of the county court of Goliad county."

House bill No. 545, "An act to diminish the civil and criminal jurisdiction of the county court of Angelina county, and to repeal all laws in conflict therewith."

Passed by a two-thirds vote—ayes 86, nays none.

Senate bill No. 204, "An act to authorize and empower the Houston East and West Texas Railway Company to lease and operate, maintain and control under lease the Houston and Shreveport railroad, situated in the State of Louisiana and extending from the State boundary line at Logansport, Louisiana, through the parishes of DeSoto and Caddo into the city of Shreveport in said State."

Passed by the following vote: Ayes 85, nays 3.

House bill No. 629, "An act to amend chapter 75 of the acts of the Twenty-first Legislature of Texas, approved April 6, 1889, to amend an act of the Twenty-second Legislature, chapter 30, approved April 6, 1891, entitled 'An act to require butchers and slaughterers of cattle to give bond, and to prescribe penalties for the violation of the conditions of the slaughtering and selling of cattle,' as amended by the Twenty-third Legislature."

House bill No. 73, "An act to restore to and confer upon the county court of Liberty, Jefferson and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of